

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

HECTOR PACHECO-MORALES	§	
VS.	§	CIVIL ACTION NO. 1:21-cv-263
KEVIN DELT, ET AL.	§	

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Plaintiff Hector Pacheco-Morales, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Kevin Delt, Bryan Collier, C. Loera, Major Aguillar and Sergeant Mendoza.¹

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

Plaintiff complains of events which occurred at the Ney Unit. His claims therefore arose at the Ney Unit, which is in Medina County, Texas. In addition all of the Defendants other than Defendant Collier appear to reside in Medina County.

Pursuant to 28 U.S.C. § 124(d)(4), Medina County is located in the San Antonio Division of the Western District of Texas. As this case does not appear to have any connection with the

¹ Plaintiff also named Major Brako and E. Castro as Defendants. However, in an Amended Complaint (Doc. #18.) he stated that he no longer wished to pursue his claims against these individuals.

Eastern District of Texas, the court is of the opinion this matter should be transferred to the San Antonio Division of the Western District.

ORDER

For the reasons set forth above, it is **ORDERED** that this civil rights action is **TRANSFERRED** to the San Antonio Division of the United States District Court for the Western District of Texas. All pending motions are **DENIED** without prejudice to being reasserted after this case is transferred.

SIGNED this the 8th day of February, 2023.

A handwritten signature in black ink, appearing to read 'C. Stetson', is written above a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE